IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23557 of 2005

Between:

K.Madhusudhan Gowd and another

..... PETITIONERS

AND

The Superintendent of Police,

Kurnool District and 3 others

.....RESPONDENTS

ORDER:

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Seeking a Mandamus, declaring the action of the respondents in not granting police protection by providing police escort pursuant to the representation of the petitioners dated 01.08.2005 even though petitioners' life is in eminent threat of danger from the accused in Cr.No.22/2005 of Dornipadu P.S. who are known for their notorious and wicked acts and bent upon to kill the petitioners to eliminate the evidence even though entire family members of the petitioners were kill by the said accused, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

It is stated that the paternal uncle of the petitioners and his sons caused murder of their father, mother, brother and sister and they have also chased the petitioners to kill them, but the petitioners have escaped from their hands. It is further stated that on their complaint, a criminal case has been registered against the accused in Cr.No.22 of 2005 on the file of Dornipadu P.S. It is further stated that the accused are bent upon to kill the petitioners to eliminate the evidence and to grab away the entire property of the petitioners, and therefore, the petitioners made a representation to the 1st respondent to provide necessary police protection.

Counter has been filed by the respondents stating that pursuant to the

representation of the petitioners dated 01.08.2005, the respondents provided one Head constable and four constables to the petitioners for their protection. It is further stated that after all the accused were arrested in the concerned crime, the security was reduced by removing two constables and at present one Head constable and two constables are provided as security to the petitioners.

The learned counsel for the petitioner submitted that the said one Head constable and two constables are not escorting permanently to the petitioners and they have been entrusting with other duties by their higher authorities, and as and when their assistance is requested, they are escorting the petitioners, but not all the time.

Having regard to the facts and circumstances of the case, and this being a sensational murder case, committing three murders of the same family members of the petitioners, and the petitioners are being only two remaining members of the same family, who are the prime witnesses in the said criminal case, the respondents are directed to continue the escort of one Head constable and two constables permanently for protection of the lives of the petitioners till the disposal of the criminal case in Cr.No.22 of 2005 of Dornipadu P.S.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 09.11.2005

Dsr